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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/442,791	11/18/1999	STEVEN D. IMS	RSW990108	6399

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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

14

## Office Action Summary

Application No.

09/442,791

Applicant(s)

IMS ET AL.

Examiner

Saleh Najjar

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-12,14-19,21-23,25-30,32-34,36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-12,14-19,21-23,25-30,32-34,36 and 37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

Art Unit: 2157

1. This action is responsive to amendment filed on December 23, 2003. Claims 1, 10-12, 21-23, 32-34, and 36 were amended. Claims 9, 20, and 31 were canceled. Claims 1, 3-8, 10-12, 14-19, 21-23, 25-30, 32-34, and 36-37 are pending.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-8, 10-12, 14-19, 21-23, 25-30, 32-34, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel, U.S. Patent No. 6,167,441 further in view of Tada, U.S. Patent No. 6,237,040.

Himmel teaches the invention substantially as claimed including customization of WEB pages based on requester type (see abstract).

As to claim 1, Himmel teaches a method in a data processing system, comprising the steps of:

receiving, from a client, a request for a host screen; navigating to the host screen; retrieving the host screen (see fig. 2; col. 4-5, Himmel discloses receiving a request for a host screen and retrieving the requested web page);

formatting the host screen into a formatted host screen, wherein the formatted host screen displays selectable links to other screens within a host system; and sending the formatted host screen to the client (see col. 7, lines 30-55, Himmel discloses retrieving a requested web page and reformatting it based on the requester type and sending it to the client).

Himmel fails to teach the limitation of formatting the host screen from a non-markup language. Himmel does teach that access to FTP sites are facilitated by the invention in Himmel (see col. 1-3).

However, Tada teaches a hypertext transmission method and apparatus for sending and receiving files other than HTML files (see abstract). Tada teaches formatting the host screen from a non-markup language (see figs. 1-9; col. 3-7, Tada discloses that an e-mail page is acquired and is converted into an HTML page for display on the mobile device).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Himmel in view of Tada so that non-HTML files are accessed by a mobile device. One would be motivated to do so to allow accessing of FTP sites and email sites.

As to claim 3, Himmel teaches the method as recited in claim 1, wherein the step of navigating to the host screen comprises retrieving at least one intermediate screen in order to retrieve the host screen (see col. 7-8, Himmel discloses the client type can be determined using an intermediate screen or a submittable form).

As to claim 4, Himmel teaches the method as recited in claim 1, further comprising:

responsive to a determination that variable data is needed to navigate to the host screen, sending to the client a submittable form containing text fields that may be filled in by a user; and responsive to receiving the variable data from the client, using the variable data to retrieve the host screen (see col. 7-9).

As to claims 5-6, Himmel teaches the method as recited in claim 1, wherein the client is a portable data processing system and wherein the portable data processing system is a wireless system (see col. 5-6).

As to claim 7, Himmel teaches the method as recited in claim 3, wherein the intermediate screen is not presented to the user (see col. 5-7, Himmel teaches that a snooper may be downloaded to the client to discover the client capabilities without the user interaction).

As to claim 8, Himmel teaches the method as recited in claim 3, wherein appropriate entries are made in the at least one intermediate screen in order to navigate to the host screen (see col. 5-6, Himmel discloses that one of the methods used to determine the client type is through a submittable form).

As to claims 10-11, Himmel teaches the method as recited in claim 1, wherein the formatting step formats the host screen into a markup language wherein, the markup language is an extensible markup language, and wherein the markup language is a hypertext markup language (see col. 1; 5-6).

Claims 12, 14-19, 21-23, 25-30, 32-34, and 36-37 do not teach or define any new limitations above claims 1, 3-11 and therefore are rejected for similar reasons.

4. Applicant's arguments with respect to claims 1, 3-8, 10-12, 14-19, 21-23, 25-30, 32-34, and 36-37 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ario Etienne*, can be reached on (703) 308-7562. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The central official fax number for the group is (703) 872-9306.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, cursive script.

Saleh Najjar

Primary Examiner / Art Unit 2157